THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28399 of 1995

Dated:21.11.2006

Between

Ch.Hemasunder

.....Petitioner

and

1.The Assistant commissioner of

Endowments Department,

Vijayawada and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28399 of 1995

ORDER:

This writ petition is filed seeking a Mandamus to declare the Notice No.NIL/95-2, dated 5.2.1995 issued by the 2nd respondent as illegal and invalid.

It appears that the petitioner was appointed as Record Assistant in 1989 in Gollapudi Group of Temples. While so, the 2nd respondent issued the impugned proceedings dated 5.12.1995 placing the petitioner under suspension pending enquiry into certain charges levelled against him. Aggrieved by the same, the present writ petition is filed.

While admitting the writ petition, on 29.12.1995, this Court

granted interim suspension of impugned proceedings, thereafter, the same were made absolute. However, the 2nd respondent carried the matter in appeal being WA No.1049 of 1996 before a Division Bench of this Court.. The Division Bench while confirming the interim order passed by the learned single Judge observed that the disciplinary proceedings against the petitioner may continue but no final orders can be passed without orders of this Court.

Now, the learned counsel appearing for the 2nd respondent states that the enquiry as contemplated in the suspension order was already completed but no final orders were passed in view of the order of the Division Bench of this Court in the aforesaid Writ Appeal.

In view of the above, I am of the opinion, at this length of time, going into the merits and demerits of the suspension is not required. Since the enquiry has already completed, the respondents are at liberty to pass final proceedings as per law.

Writ petition is closed. Till final orders are passed, the impugned proceedings shall not be given effect to.

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21-11-2006

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